

Internal  
M0150040

**From:** Susan White  
**To:** Baker, Paul; Ericksen, Beth  
**Date:** 2/25/2008 7:13:53 AM  
**Subject:** Re: Miracle Rock

I totally agree with what you're saying. As usual we are mostly getting hung up on terminology. They absolutely need to have:

40-8-13.(b)(v) information regarding the amount of material extracted, moved, or proposed to be moved, relating to the mining operation.

This rule is getting at exactly what you are saying. (Even a SMO or EXP should have this detail.) They must provide the detail in order to calculate a bond, that is not our responsibility. However who puts the costs to the spreadsheets isn't very clear in our rules.

>>> Beth Ericksen 2/25/08 5:08 AM >>>  
Paul,

Per your memo of Feb. 13, 2008, M/015/040 to SW, I wanted to provide feedback on your surety comment. Perhaps your interpretation of the rules require the Division to 'calculate' the surety, but it is the responsibility of the operator to provide adequate technical mining and reclamation details for an estimate to be determined by the Division. A plan cannot be 'approved' until then. I haven't looked at the Miracle Rock plan to determine if there are the necessary technical details to determine the surety amount. One would think if the operator didn't provide the 'detailed bond estimate', then the plan doesn't contain the required details to move forward.

I don't fully agree with your memo comment, "Therefore it is questionable whether the plan should be ruled incomplete when the surety estimate is missing", because if the surety estimate is missing, I believe so is the required information for the Division to determine the surety amount. Perhaps my assumption is flawed, but the majority of plans are so inadequate in other requirements, I can't imagine that they are given careful attention in this area for me to determine a proper surety amount.

You may think the Division must perform this calculation, but without the operator providing the details to determine it, then it's pretty impossible isn't it? We can't approve a plan without those details either. The operator must provide the required details of the mining and reclamation plan, for the Division to actually be able to figure it out. Don't you agree? We don't want to 'pluck the number out of the air' exercise, at least I don't.

I do apologize if I am repeating myself about this issue, but there appears to be a lot of misunderstanding and unclarity. I know all of you stated that you will 'support' my thinking on this regardless of how you interpret the rules vs. how I interpret the rules, and I appreciate that. This note is my effort in getting you beyond the 'support' (but don't agree) and actually trying to understand where I am coming from on this 'surety calculation' issue.

It is my hope that when you're discussing plan submittals with operators, that it is made clear that they must include all of the mining and reclamation plan details in order for the Division to approve the plan and determine the final surety amount. Those submitted details do not have to have 'dollars' associated with them (I can do that - but I will use worst case). If they are submitting the required and necessary details, they MUST outline them in a spreadsheet or some other organized fashion.

Thanks for reading and possibly reaching for understanding of what I am trying to say. Please don't go to each other and make me look like a bigger monster, please just try to understand what I am saying, without anger toward me.

-Beth

**CC:** Berry, Penny; Kunzler, Lynn; Morse, Jan; Munson, Tom; Pearson, Jed